IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 29217 of 2007(C)

OS.159/1982 of MUNSIFF COURT, PUNALUR
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PETITIONER:

JAYASREE,D/O.RADHAMANY AMMA,
AGED 43 YEARS,JAYAVILASM VEEDU,
PANAYANCHERY,ANCHAL VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.M.S.RADHAKRISHNAN NAIR

RESPONDENTS:
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1. **RADHAMANY AMMA,ASWATHY BHAVAN,**
   PANAYANCHERY, ANCHAL.

2. **TAHIRA IBRAHIM,,REJI MANZIL**
   THAZHAMEL, ANCHAL.

3. **FAZALUDEEN,**
   PUTTENVEETTIL KIZHAKETHIL,
   ASRAMAM,KOLLAM.

4. **NOORUDHEEN,**
   PUTHENVEETIL KIZHAKETHIL,ASRAMAM ,KOLLAM.

5. **JALALUDEEN,**
   PUTHENVEETIL KIZHAKETHIL,ASRAMAM ,KOLLAM.

6. **SABIA,**
   PUTHENVEETIL KIZHAKETHIL,ASRAMAM ,KOLLAM.

7. **NAZEER,**
   PUTHENVEETIL KIZHAKETHIL,ASRAMAM ,KOLLAM.

8. **NAZEEMA**
   PUTHENVEETIL KIZHAKETHIL,ASRAMAM ,KOLLAM.

9. **KAMALUDEEN**
   PUTHENVEETIL KIZHAKETHIL,ASRAMAM ,KOLLAM.

10. PRABHAKARAN PILLAI
CHAMAKKALA VEEDU,PANAYANCHERY, ANCHAL.P.O.,KOLLAM

11. MAYADEVI,
W/O. PRABHAKARAN PILLAI,
CHAMMAKKALA VEEDU, PANAYANCHERY, ANCHAL P.O.,
KOLLAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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M.N.KRISHNAN, J

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W.P.(C) No.29217 OF 2007

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Dated this the 3rd day of October 2007

JUDGMENT

This writ petition is filed for a direction to the Munsiff's Court, Punalur to pass an order in the application to set aside the Commission report before the final hearing of the final decree application in O.S.No.159 of 1982. Learned counsel for the petitioner submits that it is a final decree application pending and the petition is filed dissatisfied with the Commissioner's plan and report to set aside the same and she has got very serious grievance in that matter. When an application to set aside the Commissioner's plan and report is filed, the court is bound to consider it and adjudicate it first before proceeding further with the matter.

Therefore the writ petition is disposed of directing the Munsiff's Court, Punalur to consider and pass appropriate orders in the application filed for setting aside the Commissioner's plan and report, give a breathing time to the parties and thereafter proceed with the final decree application in

accordance with law.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-